

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, John Randall, Jr., Chairman, presiding.

Members Present: Bill Maxwell, John Randall, Jr., Mary Jane Baker, Shirley Aubrey and Bill Hobbs.

Members Absent: None.

Also Present: Cory Wilson, Executive Director, Judy King, Plan Reviewer, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken and all members were present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. Member Maxwell made a motion to approve the minutes with the corrections as stated. Member Randall seconded the motion. The vote was unanimous in favor of the motion.

New Business

1. **Petition: 2008-V-011**
Address: 6388 South CR 200 East, Markleville, IN 46056
Location: East side of CR 200 East, South of CR 600 South
Petitioner: Douglas D. Girt
Request: A variance of the development standards to provide for a dwelling located 77 feet From CR-200 East. (minimum 100 foot setback required)

Douglas and Terri Girt, 6388 S 200E were present representing this petition.

Mr. Girt told the board the house is 75 years old and is deteriorating so they plan on building a new house in the same footprint. But because this is on a small hill, the grade drops off 33 feet to the north. There is not enough room between the hillside and the septic system. There is no way to move it back and this is why the variance is being requested.

There were no remonstrators present.

Director Wilson stated staff recommends approval of the variance request, citing the following:

- ◇ The subject site is a 1.78-acre parcel located along the east side of CR 200 East in Markleville. This request would provide for the construction of a 2,184 square-foot dwelling located 77 feet from the right-of-way of CR 200 East. The property is zoned AG (agriculture) and the Comprehensive Plan recommends single-family/agriculture development for this site.

- ◇ The *Madison County Land Use & Development Code* states that the front setback for a structure located along a collector road (as determined by the Official Thoroughfare Plan of Madison County) be at a minimum 100 feet. The reason for this provision is to ensure adequate space between residential activities and motor vehicles.

According to the petitioner, the proposed dwelling would be located in the exact footprint as the previous (existing) dwelling. The site plan indicates existing septic tanks east of the dwelling with the finger system located southeast and south of the dwelling. North, the grade of the property changes significantly, resulting in a relatively small building area when compared with the size of the lot. There does not appear to be sufficient area to locate the proposed dwelling within the requirements of the Ordinance.

The subject site includes is a 1.78-acre parcel located along the east side of CR 200 East in Markleville. This request would provide for the construction of a 2,184 square-foot dwelling located 77 feet from the right-of-way of CR 200 East. The property is zoned AG (agriculture) and the Comprehensive Plan recommends single-family/agriculture development for this site.

- ◇ The *Madison County Land Use & Development Code* states that the front setback for a structure located along a collector road (as determined by the Official Thoroughfare Plan of Madison County) be at a minimum 100 feet. The reason for this provision is to ensure adequate space between residential activities and motor vehicles.

According to the petitioner, the proposed dwelling would be located in the exact footprint as the previous (existing) dwelling. The site plan indicates existing septic tanks east of the dwelling with the finger system located southeast and south of the dwelling. North, the grade of the property changes significantly, resulting in a relatively small building area when

compared with the size of the lot. There does not appear to be sufficient area to locate the proposed dwelling within the requirements of the Ordinance.



Member Aubrey moved to approve Petition #2008-V-011 for a variance of development standards per summary issues which included:

- 1.) The site would provide for construction of a 2,184 square foot dwelling. The property is zoned for agriculture and the Comprehensive Plan recommends single family development.

(Not approved)

- 2.) According to petitioner, proposed dwelling will be located in the same footprint as previous dwelling. Due to existing septic tank and the grade of the land it appears there is not sufficient land to meet our requirements thus given a hardship situation.

Also per the following Findings of Fact:

- 1.) The approval would not be injurious to the public health, safety, morals, and general welfare of the community as the dwelling will be located in the exact footprint of the previous dwelling. The structure does not affect the public health, safety or general welfare. Further, 77 feet is still being provided between the dwelling and the right of way of CR 200E, sufficient room to keep vehicles from hitting the dwelling.
- 2.) The requirements and development standards set forth in the district for such exception will not be met as the terms of the location of the dwelling in the front yard along CR 200E will not be met. All other setbacks and standards will be met.
- 3.) The proposed petition will not permanently injure other property or uses in the same district or uses in the same district or vicinity, as many of the properties within the vicinity have structures located close to CR 200E than this proposed dwelling.
- 4.) The proposed use will be consistent with the character of the zoning district and the Comprehensive Plan. Yes, the area is planned, zoned and developed for low density single family/agriculture based activity.

Member Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition 2008-V-011 was approved.**

2. **Petition: 2008-V-012**

Address: 5023 North CR 825 West, Frankton, IN 46044

Location: West side of CR 825 West, Just North of CR 500 North

Petitioner: Marjorie A. Williams

Request: A variance of the development standards to provide for the construction of a detached accessory structure located 10-feet in front of an existing dwelling (accessory structure not permitted in front yard).

Marjorie Williams, daughter, Lona Davis and Robert Cummins, 5023 N 825W, were present representing this petition.

Mr. Cummins told the board that to the south of their house is the septic system. To the north of the house is where the well head is sticking out of the ground. Because of the well head we cannot place the garage further back and that is why we are requesting the ten foot variance.

The garage will be used strictly for vehicles, lawn mowers, etc. It will be for their personal use and will not be used for business purposes. They also want to add a breezeway from the house to the garage. With the garage angled this way it will also act as a wind block.

There were no remonstrators present.

Director Wilson stated staff recommends approval of the variance request, citing the following:

- ◇ The subject site includes is a 9.05-acre parcel located along the west side of CR 825 West. This request would provide for the construction of a 16.5-foot tall, 960 square-foot detached accessory structure (pole barn) located within the established front yard along CR 825 West. The property is zoned AG (agriculture) and the Comprehensive Plan recommends single-family/agriculture development for this site.

(Not approved)

- ◇ The site plan indicates that the dwelling is located 100 feet from the front property line with the proposed accessory structure 90 feet from the same line. The *Madison County Land Use & Development Code* does not permit accessory structures to be located within any established front yard. The purpose for this regulation is to ensure that the primary use of the lot is residential with the dwelling being the most noticeable structure.

The site plan indicates an existing well immediately north of the dwelling with the finger system to the septic field located south. In order to provide sufficient area for future maintenance of the well, the petitioners have proposed shifting the accessory structure approximately 15-20 degrees to the east resulting in the northeast corner of the proposed structure to extend 10 feet beyond the established front building line. There does not appear to be sufficient area to accommodate the proposed accessory structure, with access to the existing driveway that would meet our ordinance requirement.



Member Aubrey moved to approve Petition 2008-V-012 for a variance of development standards per Summary of issues :

- 1.) The subject site is a 5.05-acre parcel located along the west side of CR 825 West that would provide for the construction of a 16.5-foot tall, 960 square-foot detached

(Not approved)

accessory structure (pole barn). The property is zoned AG (agriculture) and the Comprehensive Plan recommends single-family/agriculture development for this site.

- 2.) The site plan indicates that the dwelling is located 100 feet from the front property line with the proposed accessory structure 90 feet from the same line. The site plan indicates an existing well immediately north of the dwelling with the finger system to the septic field located south. In order to provide sufficient area for future maintenance of the well, the petitioners have proposed shifting the accessory structure approximately 15-20 degrees to the east resulting in the northeast corner of the proposed structure to extend 10 feet beyond the established front building line. There does not appear to be sufficient area to accommodate the proposed accessory structure, with access to the existing driveway that would meet our ordinance requirement. Thus causing a hardship meeting our ordinance. Plus the following Findings of Facts :

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community;* the accessory structure will not be used for living space or commercial activity.
2. *The requirements and development standards set forth in the district for such exception will not be met* at least in terms of the location of the accessory structure in the front yard along CR 825 West. However, all other setbacks and standards will be met.
3. *The proposed use will not permanently injure other properties or uses in the same district and vicinity as the* surrounding properties are all zoned agriculture and it is common to find accessory structures in various locations on large, agriculturally-zoned parcels.
4. *The proposed use is consistent with the character of the zoning district and the Comprehensive as it is zoned and developed for low-density single-family/agriculture-based activity.*

Member Baker seconded the motion.

The vote was unanimous in favor of the motion. **Petition 2008-V-012 was approved.**

3. Miscellaneous: The board was informed a letter of resignation was submitted by Member Aubrey as she will be leaving the board as of December 31, 2008.

It was the consensus of the board to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 9:43:02 A.M.

John Randall, Jr., Chairman

Beverly Guignet, Secretary

(Not approved)

